

## **Town Board Minutes**

September 15, 2014

Meeting No. 26

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 15<sup>th</sup> day of September 2014 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DINO FUDOLI, SUPERVISOR

**ABSENT:** DONNA STEMPIAK, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
MARK LUBERA, INTERIM DIR., PARKS, RECREATION,  
FORESTRY AND GROUNDS  
JOHN TROJANOWSKY, EXEC. DIR. YOUTH BUREAU

### **EXECUTIVE SESSION:**

AT 8:44 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and a contractual matter.

At 9:20 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session

## **PERSONS ADDRESSING TOWN BOARD:**

**Bucholtz, Bill**, spoke to the Town Board on the following matter:

- Grand opening of Bryce Buchholtz Skate Park on September 28.

**Cardwell, Liz**, spoke to the Town Board on the following matters:

- Violations of Town code and DEC regulations by limousine business on Walden Avenue.

**Chowaniec, Lee**, spoke to the Town Board on the following matter:

- Lack of sidewalks in front of homes on Forton Drive.

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Opposition to rezone of property on William Street.
- Asks that suspended resolutions be announced at beginning of meeting.
- Appraised value of Town property at 321 Columbia Avenue.
- Asked if the Town would consider rehiring an individual who recently resigned from the Town's employ.

**Hangauer, Carmen**, spoke to the Town Board on the following matter:

- Would like a hole on the walking path at Westwood Park repaired.

**Kazmierczak, Tom**, spoke to the Town Board on the following matter:

- Questioned weight limit on William Street for truck traffic.

**Wehner, Mike**, spoke to the Town Board on the following matter:

- Asked when the town will construct a sidewalk on Rose Street in front of a vacant lot.
- Various comments about sidewalk construction in subdivisions and Americans with Disabilities Act.
- Would like to see the Dog control officer's report for July and August.
- Concerns about unsafe driving on Aurora Street near Senior Center entrance.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** Rezone 00 & 5425 William Street

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was opened.

At 7:17 P.M., the Town Board held a Public Hearing to hear all interested persons upon a

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

| <b>NAME OF PERSONS ADDRESSING<br/>THE BOARD ON THIS SUBJECT</b> | <b>Proponent/<br/>Opponent/<br/>Comments/Question</b> |
|---|---|
| Jeff Palumbo, Esq<br>Representing Petitioner                    | Proponent   |
| Lee Chowaniec   | Opponent  |
| Dave DiPaolo  | Proponent   |
| Brian Freier  | Opponent  |
| Carmen Hangauer   | Questions   |
| Kevin Lemaster  | Questions   |
| Mike Fronczak   | Opponent  |
| Dan Beutler   | Opponent  |
| Tom Kazmierczak   | Undecided   |

ON MOTION BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:05 P.M.

Decision on this matter was reserved.

September 15, 2014

**PRESENTATION OF PREFILED RESOLUTIONS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board  
held September 2, 2014 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

|                         |            |     |
|-------------------------|------------|-----|
| COUNCIL MEMBER ABRAHAM  | VOTED      | YES |
| COUNCIL MEMBER AQUINO   | VOTED      | YES |
| COUNCIL MEMBER RUFFINO  | VOTED      | YES |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |     |
| SUPERVISOR FUDOLI       | VOTED      | YES |

September 15, 2014

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Assistant to the Supervisor, to wit:

Claim No. 37039 to Claim No. 37237 Inclusive

Total amount hereby authorized to be paid: \$1,134,167.63

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

|                         |            |     |
|-------------------------|------------|-----|
| COUNCIL MEMBER ABRAHAM  | VOTED      | YES |
| COUNCIL MEMBER AQUINO   | VOTED      | YES |
| COUNCIL MEMBER RUFFINO  | VOTED      | YES |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |     |
| SUPERVISOR FUDOLI       | VOTED      | YES |

September 15, 2014

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**  
(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**NEW PERMITS:**

| Pmt # | SW | Applicant Name                | Address               | STRUCTURE         | Village |
|-------|----|-------------------------------|-----------------------|-------------------|---------|
| 23220 |    | Mark L Salamone               | 39 Greenmeadow Dr     | Er. Fence         |         |
| 23221 |    | Brian & Karen Parisi          | 51 Hillside Pky       | Er. Fence         |         |
| 23249 |    | Justin & Lori Reid            | 50 Tranquility Trl    | Er. Shed          |         |
| 23250 |    | Joseph Brecker                | 3567 Walden Ave       | Er. Res. Alt.     | (V/L)   |
| 23251 |    | John Balconi                  | 32 Hillside Pky       | Er. Shed          |         |
| 23252 |    | Mark & Lynn Thompson          | 38 Woodgate Dr        | Er. Fence         |         |
| 23253 |    | Mark Ferrara                  | 75 Chestnut Corner    | Er. Shed          |         |
| 23254 |    | Schuster Construction LLC     | 3495 Walden Ave       | Re-Roof           | (V/L)   |
| 23255 |    | Justin & Erica Wallens        | 49 Southpoint Dr      | Er. Deck          |         |
| 23256 |    | Daniel & Cynthia Rustowicz    | 74 Old Post Rd        | Er. Shed          |         |
| 23257 |    | Richard & Linda McDonnell     | 34 Apple Blossom Blvd | Er. Deck          |         |
| 23258 |    | 470 Aurora Street LLC         | 470 Aurora St         | Er. Sign - Wall   |         |
| 23259 |    | Douglas Mattingly             | 780 Townline Rd       | Er. Shed          |         |
| 23260 |    | Riverside Door & Windows Inc. | 27 Village View       | Re-Roof           |         |
| 23261 |    | Grau Builders LLC             | 5 Trentwood Trl       | Re-Roof           |         |
| 23262 |    | Pacific Pools & Spas          | 19 Farmview Ct        | Er. Pool-In Grnd  |         |
| 23263 |    | Pacific Pools & Spas          | 19 Farmview Ct        | Er. Fence         |         |
| 23264 |    | Michael Gemerek               | 28 Hidden Trl         | Re-Roof           |         |
| 23265 |    | Sean Sheppard                 | 12 Bennington Ln      | Er. Pool-In Grnd  |         |
| 23266 |    | William & Lori Skubis         | 17 Division (V) St    | Er. Porch         | (V/L)   |
| 23267 |    | Sean Sheppard                 | 12 Bennington Ln      | Er. Fence         |         |
| 23268 |    | Forbes Home, Inc.             | 18 Branch Way         | Er. Dwlg.-Sin.    |         |
| 23269 |    | Timothy Babula                | 85 Aurora St          | Er. Shed          | (V/L)   |
| 23270 |    | Domenic Cortese               | 71 Cambria St         | Er. Deck          | (V/L)   |
| 23271 |    | Independent Housing Inc.      | 23 Oxford Ave         | Er. Deck          | (V/L)   |
| 23272 |    | Michael & Colleen Tranquilli  | 3 Buckingham Ct       | Er. Shed          |         |
| 23273 |    | Matthew & Antonio Contracting | 57 Michael Anthony Ln | Re-Roof           |         |
| 23274 |    | Glamour Pools                 | 716 Schwartz Rd       | Er. Pool-In Grnd  |         |
| 23275 |    | Glamour Pools                 | 716 Schwartz Rd       | Er. Fence         |         |
| 23276 |    | Nanette Kapp                  | 38 Court St           | Er. Porch         | (V/L)   |
| 23277 |    | Lawrence Jagord               | 10 Pershing Ave       | Re-Roof           | (V/L)   |
| 23278 |    | Robert & Rita Baldauff        | 12 Worthington Ln     | Er. Fence         |         |
| 23279 |    | Darren Forcier                | 7 Dorchester Ct       | Er. Res. Alt.     |         |
| 23280 |    | City Fence Inc.               | 38 Summerfield Dr     | Er. Fence         |         |
| 23281 |    | Gregory White                 | 119 Garfield St       | Re-Roof           | (V/L)   |
| 23282 |    | Shawn & Karen Marshall        | 1938 Como Park Blvd   | Re-Roof           | (V/L)   |
| 23283 |    | Jennifer Kush                 | 141 Robert Dr         | Er. Fence         | (V/L)   |
| 23284 |    | Scott & Nicole Spaulding      | 7 Muirfield Ln        | Er. Deck          |         |
| 23285 |    | Richard Keller                | 22 Greenmeadow Dr     | Er. Pool-Abv Grnd |         |
| 23286 |    | Robert Rulz                   | 106 Maple Dr          | Re-Roof           |         |
| 23287 |    | Christopher Bilson            | 19 Farmview Ct        | Er. Res. Alt.     |         |
| 23288 |    | Switala's Siding Center       | 140 Central Ave       | Re-Roof           | (V/L)   |
| 23289 |    | Daniel F Vona                 | 20 Grace Way          | Er. Fence         |         |
| 23290 |    | Michael Brown                 | 11 Rollingwood Dr     | Er. Deck          |         |
| 23291 |    | Gerome McLaughlin             | 9 Rollingwood Dr      | Re-Roof           |         |
| 23292 |    | Steven Buscaglia              | 24 St Davids Rd       | Er. Deck          |         |
| 23293 |    | H Cope Enterprises Inc.       | 117 Brunck Rd         | Re-Roof           |         |
| 23294 |    | H Young's Home Improvement    | 5818 Broadway         | Re-Roof           |         |
| 23295 |    | H Young's Home Improvement    | 36 Kelly Ct           | Re-Roof           | (V/L)   |
| 23296 |    | Jeremy & Andrea Doak          | 24 Sawgrass Ln        | Er. Fence         |         |
| 23297 |    | Marrano/Marc Equity Corp      | 43 Newberry Ln        | Er. Dwlg.-Sin.    |         |
| 23298 |    | Forbes Homes Inc.             | 18 Silent Meadow Lane | Er. Dwlg.-Sin.    |         |
| 23299 |    | Forbes Homes, Inc.            | 7 Branch Way          | Er. Dwlg.-Sin.    |         |

|       |                            |                   |                  |       |
|-------|----------------------------|-------------------|------------------|-------|
| 23300 | Robert Monti               | 5813 Broadway     | Er. Sign - Temp  |       |
| 23301 | Geo & Beverly Tanski       | 230 Lake Ave      | Er. Deck         | (V/L) |
| 23302 | Bowen Road Acquisition LLC | 5 Dover Ct        | Er. Dwlg.-Sin.   |       |
| 23303 | Duane & Barbara Kocher     | 2 Plumb Creek Trl | Er. Fence        |       |
| 23304 | Mike Zolnowski             | 5084 William St   | Er. Fence        |       |
| 23305 | F & D Construction Inc.    | 21 Wilkshire Pl   | Er. Res. Add.    | (V/L) |
| 23306 | John T Anderson            | 423 Ransom Rd     | Er. Shed         |       |
| 23307 | Wargo Enterprises Inc.     | 6529 Broadway     | Dem. Comm. Bldg. |       |

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |            |     |
|--------------------------|------------|-----|
| COUNCIL MEMBER ABRAHAM   | VOTED      | YES |
| COUNCIL MEMBER AQUINO    | VOTED      | YES |
| COUNCIL MEMBER RUFFINO   | VOTED      | YES |
| COUNCIL MEMBER STEMPNIAK | WAS ABSENT |     |
| SUPERVISOR FUDOLI        | VOTED      | YES |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO TO WIT:

**WHEREAS**, the Town of Lancaster is the owner of the Lancaster Library located at 5466 Broadway and maintains the facility as part of an operations and maintenance agreement with the Buffalo and Erie County Public Library System; and

**WHEREAS**, the Lancaster Library is in need of additional parking spaces to accommodate Library patrons; and

**WHEREAS**, the New York State Education Department, Division of Library Development offers matching grants to Library Systems for library construction, including land acquisition;

**NOW THEREFORE,**  
**BE IT RESOLVED**, that the Town of Lancaster hereby encourages the Lancaster Public Library to make application to the New York State Education Department, Division of Library Development for funding to demolish the structure located at 16 School Street and to construct an expanded parking lot for use by Library patrons; and

**BE IT FURTHER**  
**RESOLVED**, that, as owner of the Lancaster Library, the Town of Lancaster recognizes its responsibility to maintain the facility and, in accordance with this responsibility, hereby commits the amount of \$134,080.00, minus the grant award amount, to be used as matching funds toward this acquisition grant; and

**BE IT FURTHER**  
**RESOLVED**, that this Board does hereby approve the Grant Agreement between the Town of Lancaster and Town of Lancaster Public Library dated September 18, 2014 subject to approval by the Town Attorney; and

**RESOLVED**, that as further evidence of its role as owner of the facility and in recognition of the Town’s interest in maintaining the library, the Town of Lancaster hereby authorizes and directs Grantmakers Advantage, the Town’s grant consultant, to complete the necessary application, forms, etc. to be submitted to the New York State Education Department, Division of Library Development for the purpose of securing this grant, and

**BE IT FURTHER**  
**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding, including the Grant Agreement between the Town and Lancaster Library Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town of Lancaster has previously entered into an Agreement with the Lancaster Central School District to operate swimming, playground, gymnasium and educational programs on school sites and in school buildings, which has expired according to its terms on June 30, 2014, and

**WHEREAS**, the Town Board of the Town of Lancaster desires to renew said Agreement for a five-year (5) term commencing July 1, 2014 through June 30, 2019;

**NOW, THEREFORE, BE IT  
RESOLVED**, that the Supervisor be and is hereby directed to execute a Renewal Agreement, between the Town of Lancaster and the Lancaster Central School District pursuant to the terms and conditions as outlined in the agreement subject to the approval of the Town Attorney to utilize school district sites and buildings for the various Town sponsored activities.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |     |
|-------------------------|------------|-----|
| COUNCIL MEMBER ABRAHAM  | VOTED      | YES |
| COUNCIL MEMBER AQUINO   | VOTED      | YES |
| COUNCIL MEMBER RUFFINO  | VOTED      | YES |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |     |
| SUPERVISOR FUDOLI       | VOTED      | YES |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, Mark Schraven of **Advantage Fitness, LLC**, has submitted a site plan prepared by Greenman-Pedersen, Inc., dated July, 2014, with a revision date of September 5, 2014 and received September 9, 2014 for the proposed construction of a 3,360 +/- square foot fitness facility to include 15 +/- parking spaces to be located at 6161 Broadway, in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was approved at their July 16, 2014 meeting, and

**WHEREAS**, the Town, acting as lead agency has completed an environmental review on August 4, 2014, in conformance with SEQR (State Environmental Quality Review) regulations and on August 18, 2014 a Negative Declaration was issued.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Mark Schraven of **Advantage Fitness, LLC**, and prepared by by Greenman-Pedersen, Inc, dated July, 2014, with a revision date of September 5, 2014 and received September 9, 2014 for the proposed construction of a 3,360 +/- square foot fitness facility to include 15 +/- parking spaces to be located at 6161 Broadway.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows :

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to §130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 6<sup>th</sup> day of October 2014, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing will be published in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AQUINO    | VOTED YES  |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | WAS ABSENT |
| SUPERVISOR FUDOLI        | VOTED YES  |

September 15, 2014

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 15<sup>th</sup> day of September, 2014, the said Town Board will hold a Public Hearing on the 6<sup>th</sup> day of October, 2014, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article STOP INTERSECTIONS; NON-INTERSECTION STOPS;  
YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto following:**

**HIDDEN PINES SUBDIVISION**

| <b><u>Street Name</u></b> | <b><u>Intersecting Street</u></b> | <b><u>Sign<br/>Location</u></b> |
|---------------------------|-----------------------------------|---------------------------------|
| Branch Way                | Pine Tree Drive                   | N.W. Corner                     |

**WHISPERING PINES SUBDIVISION**

| <b><u>Street Name</u></b> | <b><u>Intersecting Street</u></b> | <b><u>Sign<br/>Location</u></b> |
|---------------------------|-----------------------------------|---------------------------------|
| Branch Way                | Americo Court                     | S.E. Corner                     |
| Silent Meadow             | Branch Way                        | N.E. Corner                     |

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN  
Town Clerk**

September 18, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town owns certain real property in the Village of Depew commonly known as the Library Building at 321 Columbia Avenue, Lancaster, New York (the “Property”), and

**WHEREAS**, the Town Board has obtained an appraisal of the building and Property and has determined this property to be surplus and has been actively marketing the property in an attempt to cause a sale, and

**WHEREAS**, the Town, acting as lead agency has completed an environmental review for the potential sale of said property on August 18, 2014, in conformance with SEQR (State Environmental Quality Review) regulations and on September 2, 2014 a Negative Declaration was issued, and

**WHEREAS**, NorthPoint Free Will Baptist Church, has offered to purchase the Property for \$355,000.00 and such other terms and conditions as set forth in the contract between the parties (the “Agreement”), and

**WHEREAS**, the Town desires to accept such offer to sell the property to NorthPoint Free Will Baptist Church subject to the terms and conditions of the Agreement;

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Board hereby (a) determines that the Property is not needed for Town purposes and that selling the Property pursuant to the terms and conditions of the Agreement to NorthPoint Free Will Baptist Church its successors or assigns, is in the Town’s best interest, and

**THEREFORE,**  
**BE IT FURTHER RESOLVED** that, subject to permissive referenda, the Board hereby (a) approves the sale of the Property for Purchase Price and pursuant to the terms and conditions of the Agreement; and (b) authorizes the Supervisor to execute and deliver the transactional documents required by the Agreement; and (c) authorizes the Supervisor and other appropriate Town officials to proceed with the implementation of all steps reasonably necessary and appropriate to implement the terms and conditions of the Agreement and to allow for the Town’s sale of the Property.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** Town Justices, Anthony Cervi and Nicholas LoCicero, by letter dated August 21, 2014, have requested the creation of two (2) additional positions of Court Officer, part-time in the Town Courts Department to serve as substitutes as needed, and

**WHEREAS,** the Town of Lancaster currently has four (4) positions for Court Officer, part-time.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) for authorization by the County of Erie Department of Personnel to create two (2) additional positions of Court Officer, part-time in the Town Courts Department.

**BE IT FURTHER,**

**RESOLVED,** that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Daniel Amatura, Highway Superintendent of the Town of Lancaster, in a letter dated September 8, 2014, has advised the Town Board that the Highway Department no longer has use for a 1991 Volvo/Autocar, Plow/Dump (VIN# 4V2SABBE9MU508408), a 1997 Volvo/Autocar, Plow/Dump (VIN# 4V5SABBE9TR516450) and a Drive frame for Frink or American one-way plow, and has requested that the Town Board therefore deem these items to be surplus equipment and permit the Highway Superintendent to offer them at an online auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned equipment to be surplus equipment and permit placement of said items on an online auction;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned 1991 Volvo/Autocar, Plow/Dump (VIN# 4V2SABBE9MU508408), a 1997 Volvo/Autocar, Plow/Dump (VIN# 4V5SABBE9TR516450) and a Drive frame for Frink or American one-way plow to be surplus equipment and authorizes the Highway Superintendent to place said items up for public bid at an online auction with Auctions International, *www.auctionsinternational.com*, 11167 Big Tree Road, East Aurora, New York 14052, beginning the week of October 9, 2014 and concluding on October 23, 2014 with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

**PUBLIC AUCTION**  
**OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Board of the Town of Lancaster has the following equipment as surplus equipment: 1991 Volvo/Autocar, Plow/Dump (VIN# 4V2SABBE9MU508408), a 1997 Volvo/Autocar, Plow/Dump (VIN# 4V5SABBE9TR516450) and a Drive frame for Frink or American one-way plow.

This surplus equipment will be auctioned at an online auction with Auctions International, [www.auctionsinternational.com](http://www.auctionsinternational.com), 11167 Big Tree Road, East Aurora, New York 14052, beginning the week of October 9, 2014 and concluding on October 23, 2014.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

TOWN BOARD  
TOWN OF TOWN OF LANCASTER

By: JOHANNA M. COLEMAN  
TOWN CLERK

September 18, 2014



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**BE IT RESOLVED**, that effective October 1, 2014, the Town of Lancaster, Location Code 30040, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

| TITLE               | STANDARD<br>WORK DAY<br>(HRS/DAY) | NAME         | SOCIAL<br>SECURITY<br>NUMBER<br>(LAST 4) | REGISTRATION<br>NUMBER | CURRENT TERM<br>BEGIN & END<br>DATES | PARTICIPATES<br>IN EMPLOYER'S<br>TIME KEEPING<br>SYSTEM | RECORD OF<br>ACTIVITIES<br>RESULT |
|---------------------|-----------------------------------|--------------|--|------------------------|--------------------------------------|---|-----------------------------------|
| Appointed Officials |                                   |              |  |                        |                                      |   |                                   |
| Town Attorney       | 7                                 | John Dudziak |  |                        | 01/01/14 - 12/31/15                  | No  | 13.88                             |

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AQUINO    | VOTED YES  |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | WAS ABSENT |
| SUPERVISOR FUDOLI        | VOTED YES  |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS, California Skateparks, 273 North Benson Avenue,**  
Upland, California 91786, the contractor for the Bryce Buchholz Memorial Skatepark, has  
submitted Change Order No. 1 in the amount of \$30,000.00 for enhancements to the center  
portion of the Skatepark to add additional vertical features, to the Town Board for their  
approval, and

**WHEREAS,** these enhancements were requested by the Bryce  
Buchholz Fund, Inc., and will be paid for by the Bryce Buchholz Fund, Inc., and

**WHEREAS,** the Bryce Buchholz Fund, Inc., has submitted a check in  
the amount of \$30,000.00 to the Town of Lancaster to fund the change in work requested;

**NOW, THEREFORE, BE IT  
RESOLVED,** that the Town Board of the Town of Lancaster hereby  
approves Change Order No. 1 to California Skateparks with respect to the outlined  
descriptions previously provided to the Town Board:

**DESCRIPTION OF CHANGE ORDER NO. 1:**

Additional compensation for the installation of additional vertical enhancements to center  
portion of Skatepark.

**CHANGE ORDER NO. 1:**

|   |               |
|---|---------------|
| The original Contract Sum was .....   | \$ 247,500.00 |
| The Contract Sum will be increased by this Change Order<br>in the amount of.... | \$ 30,000.00  |
| The new Contract Sum increased<br>including this Change Order will be           | \$ 277,500.00 |

**BE IT FURTHER  
RESOLVED,** that the Supervisor be and is hereby authorized to  
execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put  
to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Supervisor of the Town of Lancaster has recommended to the Town Board the reappointment of Catherine Braniecki as a member of the Town of Lancaster Assessment Review Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Catherine Braniecki, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Assessment Review Board for the term of October 1, 2014 through September 30, 2019.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

**BE IT FURTHER,**

**RESOLVED**, that according to Section 523 of the Real Property Tax Law, the Town Clerk shall notify the Erie County Director of Real Property Services within twenty (20) days of this appointment.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

**SUSPENDED RESOLUTION:**

Supervisor Fudoli requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR FUDOLI WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster has entered into an Energy Performance Contract under Article 9 of the New York Energy Law with John W. Danforth Company, which is dated July 14, 2014 and is in the amount of \$1,480,299.00 in order to undertake the installation of energy improvement measures in Town facilities and the realization of energy efficiencies; and

**WHEREAS**, the Town's financing consultant Real Lease Inc., has issued a request for proposals on behalf of the Town to obtain financing for the Energy Performance Contract, and, upon review and consideration of the proposals submitted, Real Lease has recommended that the Town contract with First Security Finance in order to finance the Energy Performance Contract.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves an agreement between the Town and First Security Finance to finance the Energy Performance Contract, and hereby authorizes the Town Supervisor to execute such financing agreement on behalf of the Town upon review and approval by the Town's legal counsel.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AQUINO   | VOTED YES  |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | WAS ABSENT |
| SUPERVISOR FUDOLI       | VOTED YES  |

September 15, 2014

## **COMMUNICATIONS & REPORTS**

- 514. General Crew Chief to Supervisor and Town Board –**  
Request for appointment of individuals to the position of part-time permanent employee for the fall/winter 2014 in the Parks, Recreation & Forestry Dept.  
Disposition = For Resolution
- 515. Police Chief to Town Clerk –**  
Articles and communications. Disposition = Received & Filed
- 516. Lancaster Town Court Justices to Supervisor and Town Board –**  
Request for creation of two additional substitute, part-time court officer positions.  
Disposition = Resolution 9/15/14
- 517. Damian Martelli to Supervisor –**  
Letter of resignation from position of Dog Control Officer.  
Disposition = Received & Filed
- 518. NYS Senator Patrick Gallivan to Town Clerk --**  
Notice of receipt of resolution passed on August 4, 2014, requesting NYS DEC to revoke/deny any permit granted or under consideration by Quasar Energy Group allowing “Equate” to be spread on farmland within Erie, Wyoming or Niagara Counties. Disposition = Planning Committee
- 519. Patrol Captain Marco Laurienzo to Supervisor –**  
Request for ordinance to place a stop sign at the southeast corner of Branch Way and Americo Court and to place a stop sign at the northeast corner of Silent Meadow Lane and Branch Way. Disposition = For Resolution
- 520. Gabrielle Miller to Darrell Kaminski and Thomas Messana, NYSDOT Region 5 –**  
Copy of e-mail regarding Village of Depew Transit Road condition as unacceptable. Disposition = Received & Filed
- 521. Town Attorney to Town Board and Planning Board –**  
SEQR response from NYSDEC regarding rezone at 00 Genesee Street, SBL #82.04-2-12 from R.C.O. to C.M.S. Disposition = Planning Committee
- 522. Erin O’Dell-Keller, State of New York Dept. of Public Service to Supervisor –**  
Information regarding Lifeline Discount Telephone Service Program.  
Disposition = Received & Filed
- 523. Nancy Grant, Erie County Dept. of Real Property Tax Services to Town Clerk –**  
Transmittal of original and copy of final 2014 tax settlement with Erie County.  
Disposition = Received & Filed
- 524. Laurie Garbo to Town Board –**  
Information regarding Western New York Sludge Free Alliance Seminar on September 14, 2014. Disposition = Received & Filed
- 525. Rachel Chrostowski, ECDEP to Town Clerk, Supervisor and Town Board –**  
Agricultural District Annual Enrollment Period and 8-Year Review of Districts 16 (Lancaster-Alden) & 17 (Amherst). Disposition = Received & Filed
- 526. Catherine Braniecki to Supervisor –**  
Request for reappointment to the Board of Assessment Review for the Town of Lancaster. Disposition = Resolution 9/15/14
- 527. Erie County Dept. of Emergency Services to Supervisor –**  
Information regarding Public Information Forum on September 17, 2014, to discuss the current state of emergency preparedness activities in Erie County.  
Disposition = Received & Filed

528. Erie County Dept. of Senior Services to Town Clerk –  
Information regarding Public Hearings on September 26, 2014 and October 30, 2014 for 2015 Service & Program Plans for Older Adults.  
Disposition = Received & Filed
529. Division for Historic Preservation to Supervisor –  
Information regarding State and National Registers of Historic Places Historic District Nomination-August 2014 of the Central Avenue Historic District.  
Disposition = Received & Filed
530. Town Clerk to David DePaolo, Fairway Hills Development –  
Legal Notice stating that the Town Board will hold a public hearing to amend the Zoning District Map on September 15, 2014. Disposition = Received & Filed
531. Village of Lancaster to Town Board –  
Minutes from regular meeting held on August 25, 2014.  
Disposition = Received & Filed
532. Abby Snyder, NYSDEC to Town Clerk –  
Notice of receipt of resolution passed on August 4, 2014, requesting NYS DEC to revoke/deny any permit granted or under consideration by Quasar Energy Group allowing “Equate” to be spread on farmland within Erie, Wyoming or Niagara Counties. Disposition = Received & Filed
533. Supervisor to Michael Asklar, Erie County Highway Dept. –  
Copy of letter from David Maki regarding concerns with the flow of traffic in the west bound direction William St. and specifically at the traffic signal to access Walmart and Orville’s. Disposition = Received & Filed
534. League of Women Voters of Buffalo/Niagara, Inc. to Supervisor –  
Comments regarding consolidation/merger efforts of local municipalities.  
Disposition = Received & Filed
535. Town Clerk to Town Board –  
Copy of Clerk’s Monthly Report for August 2014. Disposition = Received & Filed
536. Erie County Legislature to Town Clerk –  
2014-2015 School Tax Warrant for Lancaster Central School District #1.  
Disposition = Received & Filed
537. Erie County Legislature to Town Clerk –  
2014-2015 School Tax Warrant for Iroquois Central School District #1.  
Disposition = Received & Filed
538. Erie County Legislature to Town Clerk –  
2014-2015 School Tax Warrant for Depew Union Free School.  
Disposition = Received & Filed
539. Erie County Legislature to Town Clerk –  
2014-2015 School Tax Warrant for Clarence Central School District.  
Disposition = Received & Filed
540. Erie County Legislature to Town Clerk –  
2014-2015 School Tax Warrant for Alden Central School District.  
Disposition = Received & Filed
541. Rachel Chrostowski, Erie County Environment & Planning to Town of Lancaster –  
Public Notice of 30-day period for inclusion of predominantly viable agricultural land into existing agricultural districts & 30-day period for public review of Agricultural Districts 16 (Lancaster-Alden) & 17 (Amherst).  
Disposition = Planning Committee

- 542. Paul Maute, Mayor of Village of Lancaster to Supervisor –  
Request for 2<sup>nd</sup> school crossing guard to be assigned to the intersection of Walden Avenue and Central Avenue. Disposition = Received & Filed**
- 543. Highway Superintendent to Town Board –  
Request for Town Board to deem 3 pieces of equipment as surplus equipment to be placed in an online auction beginning October 9, 2014.  
Disposition = Resolution 9/15/14**
- 544. NYSDEC to Town Clerk –  
Notice of complete application for Article 24 Freshwater Wetlands and & Section 401 Clean Water Act Water Quality Certification for 28 Tranquility Trail.  
Disposition= Received & Filed**
- 545. Police Officer Jeffrey Smith to Town Clerk –  
No objection to fireworks application for Lancaster Speedway.  
Disposition = Received & Filed**
- 546. Town Clerk to Bill Catania, Jr., Lancaster Speedway –  
Approve permit for fireworks display for Lancaster Speedway on September 20, 2014. Disposition = Received & Filed**
- 547. Town Attorney to NYSDEC, Erie County DPW, Division of Sewerage Management, NYSDOT, Erie County Health Dept. & Erie County DEP –  
Request for lead agency designation for Winnomotive Properties Addition Located at 4304 Walden Avenue. Disposition = Planning Committee**
- 548. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY  
COUNCIL MEMBER AQUINO AND CARRIED,** the meeting was adjourned in memory  
of Susan Marino and Elijah and Aaryonna Fink at 9:20 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk